



BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

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In re Applications of: : MM Docket No. 93-75
: :
TRINITY BROADCASTING OF : File No.
FLORIDA, INC. : BRCT-911001LY
: :
For renewal of License of :
Station WAFT (TV) on :
Channel 45, Miami, FL :
: :
and :
: :
GLENDALE BROADCASTING : File No.
COMPANY : BPCT-911227KE
: :
For a Construction Permit for :
a New Commercial TV Station :
to operate on Channel 45, :
Miami, FL :
: :
-----X

Thursday,
March 24, 1994

DEPOSITION OF:

DAVID GARDNER

called for examination by Counsel for Trinity
Broadcasting of Florida, Inc., pursuant to agreement of
counsel, in the law offices of Mullin, Rhyne, Emmons
and Topel, 1000 Connecticut Avenue, Suite 500,
Washington, D.C., when were present on behalf of the
respective parties:

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVENUE, N.W.
WASHINGTON, D.C. 20005

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FEDERAL COMMUNICATIONS COMMISSION

Docket No. MM 93-75 Exhibit No. TBC 235

Presented by TRIMITY

Identified 5/5/94

Disposition: Received 5/5/94

Rejected

Reporter Michael Steiner

Date 5/5/94

1 the invoice in his possession at the time he prepared
2 the November 7th letter?

3 A I don't recall whether or not he indicated to
4 me that he had a copy of this invoice in his possession
5 when he created his November 7, 1991, letter.

6 Q But he told you that he referred to it?

7 A Yes.

8 Q Did he tell you -- is that the only invoice
9 that he said he referred to in preparing the
10 November 7, 1991, letter that dealt with Mr. Hoover's
11 fees?

12 A Yes.

13 Q What did you and Mr. Berfield discuss
14 regarding your October 31, 1991, letter to
15 Mr. Sebastian?

16 A We discussed --

17 Q Let me rephrase. I'm sorry. I referred to
18 it as October 31st. It should have been October 30,
19 1991.

20 A We looked at it along with the handwritten
21 note dated October 30, 1991, and he asked me if I could
22 remember which note came first -- the fax to

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1 Mr. Sebastian and then the phone call, or the phone
2 call and then the fax -- and I told him I couldn't
3 recall which order they came in.

4 Q What else did you discuss about this letter?

5 A That's all I recall that we discussed.

6 Q Did Mr. Berfield ask you any questions about
7 the Hoover invoice of March 31, 1989?

8 A I don't recall Mort Berfield asking me any
9 questions about the Bob Hoover invoice of March 31,
10 1989.

11 Q Did you ask Mr. Berfield any questions?

12 A I don't recall asking Mort Berfield any
13 questions about the Bob Hoover invoice of 19--
14 March 31, 1989.

15 Q Did you ask Mr. Berfield any questions about
16 the October 30, 1991, letter to Mr. Sebastian?

17 A Is that -- is that this one?

18 Q The fax.

19 A The question was?

20 Q Did you ask Mr. Berfield any questions
21 concerning that letter?

22 A I don't recall asking Mort Berfield any

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1 questions about the October 30, 1991, letter to George
2 Sebastian.

3 Q Other than the -- if you'll turn to the
4 handwritten note dated October 30, 1991, you indicated
5 that you spoke to Mr. Berfield about this note in
6 conjunction with the October 30th letter to
7 Mr. Sebastian. Other than that subject, did you
8 discuss anything else about the October 30, 1991, note?

9 A I don't recall discussing anything with Mort
10 Berfield other than the sequence of the notes regarding
11 the October 30, 1991, handwritten note.

12 Q What do you recall discussing with
13 Mr. Berfield regarding the November 7, 1991, letter
14 that he sent to you?

15 A I recall that he said he created it and he
16 believes that he faxed it to me.

17 Q Anything else?

18 A I don't recall anything else that he said
19 about the November 7, 1991, letter, except that he
20 created it and he got the figures from Bob Hoover, or
21 for Bob Hoover, from the invoice that we previously
22 referred to. And apparently there's an invoice to

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1 Telsa that was paid, and he got the figures for that
2 off of that invoice.

3 Q Did he indicate to you how he arrived at the
4 figure of \$15,397.03 for legal fees?

5 A I don't recall how he -- but that's not the
6 answer to your question.

7 Q My question was if you discussed --

8 A Yeah. I don't recall that he discussed in
9 detail how he got that figure. However, he said he got
10 it off his invoices. And I do see that the FCC filing
11 fee is in this letter, and he mentioned that he had,
12 apparently, documentation showing what the FCC filing
13 fees were for those applications.

14 Q Did Mr. Berfield indicate to you what
15 invoices he referred to in preparing his figure for the
16 legal fees?

17 A Generally, he indicated he used invoices that
18 he had from his files.

19 Q Did he review with you any of the invoices
20 that he said that he relied on?

21 A I don't recall him reviewing any such
22 invoices.